

'Phantom' can stay home, sides agree

Legalities of tenant's Fox Theatre apartment lease to be resolved.

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The original lease that has allowed Joe Patten, aka the "Phantom of the Fox," to live in an apartment hidden within the historic venue for more than 30 years will remain in place, at least for now, his lawyer said Wednesday.

Patten's lawyer, Emmet Bon-durant, and attorneys representing the Fox Theatre agreed to reinstate that lease, which the theater's board terminated in August. This means Patten can continue living in the apartment until additional legal issues are resolved.

"There will be no action to try to get him to leave; that's been agreed to by both sides," Fulton County Superior Court



Joe Patten, with friend Lucinne Grimes, waits while attorneys discuss in the judge's chambers Patten's future at the Fox.

Bob Andres bandres@ajc.com

Judge Jerry Baxter told the courtroom. "Both sides are working together to try to work this thing out, and it's my hope that it will be worked out."

Patten and his friends, who were sitting in the front of the courtroom, began applauding

Fox continued on B6

after Baxter's message.

Baxter called lawyers for the Fox Theatre and the man known as its "Phantom" into his chambers moments before a Wednesday hearing about how long its long-time resident can remain living in the historic venue. Lawyers for both sides came to an agreement about 40 minutes later, and the hearing was canceled.

Patten emerged from the courthouse about 20 minutes later, telling a group of reporters that "we won."

"I'm certainly delighted for this day to come and end up like it is, and it is an experience that I never thought I would have to go through," Patten said, with lawyers and friends standing behind him. "And we'll get back to the Fox and make sure that the Fox carries on, hopefully in a very successful manner."

Patten, 83, was suing the theater and its nonprofit, Atlanta Landmarks, for the right to remain in his apartment. A former technical director with the Fox, Patten signed a lease in 1979 al-

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lowing him to live there rent-free for the rest of his life.

The board of Atlanta Landmarks in August voted to do away with that lease and write a new one, saying Patten can live there "until he is able," or until he needs round-the-clock care.

Bondurant said that an outright claim of victory is premature. But Bondurant said his client's original lease stands for now, unless the Fox wants to pursue terminating it again.

Bondurant said he will seek a permanent injunction if that happens. "We hope that can be avoided," he said.

A statement from the Fox acknowledged that Patten can live in the apartment for the time being.

"It has and continues to be the intent of Atlanta Landmarks to allow Mr. Patten to live in the apartment as long as he is able," Fox Theatre spokeswoman Kristen Delaney said. "We hope that today's proceedings will lead to a mutually beneficial resolution, which has always been our desire."

Delaney said lawyers have agreed to discuss concerns about security and management in and around the apartment.

Bondurant told reporters that Fox officials were concerned about whether Patten would be able to monitor the theater and provide security for it. Bondurant told the Fox if it wants to lock the access doors from Patten's apartment to the building, that it could do so.



Bob Foreman (left) and an unidentified woman picketed outside Fulton County Superior Court on Wednesday before the hearing on whether Joe Patten had the right to stay in his Fox apartment. Bob Andres bandres@ajc.com